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FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
JUN 01 2010
BY D. MARK JONES, CLERK
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MALCOLM BURTON and BERLAY BURTON,

Defendants.

: MAGIS. NO.

2:10mj174 PMW

: COMPLAINT

: VIO. 21 U.S.C. § 841(a)(1),
POSSESSION OF COCAINE BASE
WITH INTENT TO DISTRIBUTE.

:
:

Before PAUL M. WARNER, United States Magistrate Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT 1

On or about June 30, 2010, in the Central Division of the District of Utah,

MALCOLM BURTON and BERLAY BURTON,

defendants herein, did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable quantity of cocaine base, a Schedule II controlled substance, all in violation of 21 U.S.C. §841(a)(1).

Complainant states that this complaint is based on information obtained through investigation consisting of the following:

1. Complainant Brandon Shearer is a Task Force Officer with the Drug Enforcement Administration (DEA). I have been a DEA Task Force Officer for over 2 years. I am currently assigned to the Salt Lake City District Office of the DEA.
2. On June 30, 2010, myself and other Task Force members executed a search warrant on the residence of Malcolm Burton and Berlay Burton. During the course of the execution of the warrant, searching officers recovered approximately 571 grams of cocaine base, commonly referred to as "crack cocaine."
3. The bulk of the cocaine base, nearly 500 grams, was located within a safe in the residence. Searching officers recovered a key to the safe from the person of Belay Burton.
4. During a post-Miranda interview, Malcolm Burton acknowledged that the cocaine base was his.
5. Based upon my training and experience, I believe that 571 grams of cocaine base is consistent with possession with intent to distribute, and is evidence of a large-scale drug distribution enterprise.



BRANDON SHEARER
Task Force Officer
Drug Enforcement Administration

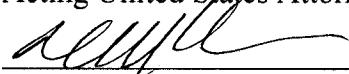
SUBSCRIBED AND SWORN TO BEFORE ME this 1st day of JULY, 2010.



PAUL M. WARNER
United States Magistrate Judge

APPROVED:

CARLIE CHRISTENSEN
Acting United States Attorney



RICHARD D. McKELVIE
Assistant United States Attorney